

Remarks

The Office Action mailed December 17, 2002 has been received and reviewed. The application is to be amended as otherwise set forth herein. All amendments are made without prejudice or disclaimer. All claims stand rejected. Reconsideration is respectfully requested.

Specifically, the claims stand rejected under the first paragraph of 35 USC § 112, as assertedly lacking enablement beyond "the treatment of a disorder caused by a hyperimmune or autoimmune response comprising administering an active component, or functional fragment thereof, obtainable from a mammalian chorionic gonadotropin preparation". (Paper No. 14, p. 2). Although applicants do not agree that the specification does not enable broader claims, applicants have amended independent claims 17 and 31 per the Examiner's statement, and, in view of the amendments and for the sake of expedited prosecution, respectfully request withdrawal of the rejection.

Applicants also present herein new claims 72 and 73. Claim 72 is an effort to mimic the indication of enabled subject matter particularly indicated in the Office Action at page 2.

Claim 73 approaches the issue a little differently. As stated in the Office Action, the claims (before this amendment) were thought "unclear as to what is to be obtained from mammalian urine from non-pregnant females or from males" "since chorionic gonadotropin is found only in pregnant female mammalian urine". New claim 73 thus recites that the active component (or functional fragment thereof) is obtainable from pregnant mammalian female urine, and that the active component or functional fragment thereof is capable of modulating a subject's immune system. Basis for this new claim is inherent throughout the as-filed application, but specific basis can be found at page 15, lines 18-23 of the application as-filed.

Conclusion

In view of the comments and amendments, the application should now be in condition for allowance. If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



Allen C. Turner
Registration No. 33,041
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 16, 2003

MARKED UP VERSION OF CLAIMS SHOWING CHANGES MADE

17. (Twice amended) A method of treating an immune-related disorder caused by a hyperimmune or autoimmune response in a subject believed to be in need thereof, said method comprising:

administering to the subject an amount of an immunoregulator, or functional fragment thereof, obtainable from a mammalian [urine] chorionic gonadotropin preparation, wherein said immunoregulator modulates Th1, Th2 or both Th1 and Th2 cell activity and is administered in an amount sufficient to modulate the immune-related disorder.

31. (Twice amended) A method for treating an immune-mediated disorder caused by a hyperimmune or autoimmune response in a subject comprising:

administering to the subject at least one immunoregulator, [said immunoregulator] or functional fragment thereof, obtainable from a mammalian [urine] chorionic gonadotropin preparation, and having Th1 and Th2 cell regulating activity, said immunoregulator being administered in an amount sufficient to modulate dendritic cell differentiation.